

ARTICLE 8

Practice and Procedure

Editor's Note

Regulations 103-800 to 103-885 were adopted December 31, 1976.

103-800. Authorization.

A. In accordance with provisions of law, the Public Service Commission has adopted the following rules and regulations and fixed the following standards to govern the practice and procedures of parties before it. All previous rules or standards of practice and procedure are hereby revoked, annulled and superseded.

B. The adoption of these rules shall in no way preclude the Public Service Commission from altering, amending or revoking them in whole or in part, or from making additions thereto, pursuant to provisions of law, upon petition of a proper party or upon its own motion.

C. The adoption of these rules of practice and procedure shall not relieve either the Commission or any party participating in proceedings before it of any duties prescribed under the laws of this State.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-801. Application of Rules.

These rules shall apply to any person who participates in proceedings before the Public Service Commission.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-802. Purpose of Rules.

These rules are intended to define standards of proper practice before the Public Service Commission. They are intended to insure that all parties participating in proceedings before the Commission will be accorded the procedural fairness to which they are entitled by law. These rules are further intended to promote efficiency in, and certainty of, the procedures and practices herein adopted. All parties participating in proceedings before the Commission shall assist the Commission in the implementation of these rules and regulations.

103-803. Waiver of Rules.

In any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, or where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the Commission upon a finding by the Commission that such waiver is in not contrary to the public interest.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-804. Definitions.

The following words and terms, when used in the context of these rules and regulations, shall have the meanings indicated.

A. Applicant. A party on whose behalf an application is made to the Commission for any permission or authorization which the Commission may grant pursuant to statutory or other proper authority.

B. Commission and Commissioner. The South Carolina Public Service Commission and a Commissioner thereof, respectively.

C. Complainant. A party who complains to the Commission of anything done, or omitted to be done, in contravention or violation of the provisions of any statute or other delegated authority administered by the Commission, or of any order, rule or regulation issued or promulgated thereunder, or any other alleged wrong within the jurisdiction of the Commission.

D. Defendant. A party subject to statute or other delegated authority administered by the Commission, or any order, rule or regulation issued or promulgated thereunder, against whom any complaint is filed.

E. Formal Record. The documentation pertaining to a proceeding before the Commission, including the following: the designation of the presiding officer; proofs of publication and notification; all pleadings and intermediate rulings; the transcript or official recording of hearing which shall include all evidence received or considered; a statement of matters officially noticed; all questions and offers of proof, objections and rulings thereof; proposed findings and exceptions, if any; any decision, opinion or report by the presiding officer; all memoranda or data submitted to the hearing officer or members of the Commission in consideration of a proceeding; and the order making final disposition of the matter.

F. Hearing Examiner. A member of the Commission staff, duly appointed and designated by the Commission to serve as a presiding officer for a proceeding before the Commission, and so serving as a presiding officer.

G. Hearing Officer. An attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience employed by the Commission to hear and determine procedural motions or other matters not determinative of the merits of the proceedings and made prior to the hearing. At the hearing, a hearing officer shall make all rulings on nondispositive motions and objections. The hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and the admission of evidence but may not participate in the determination on the merits of the case. If qualified, a Commission staff attorney may serve as a hearing officer.

H. Intervenor. A person who files a petition to intervene in a proceeding before the Commission, as provided by R. 103-825, and after such petition is approved by the Commission or presiding officer. Admission as an intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved by any order of the Commission in such proceeding.

I. Notice of Filing.

(1) A statement prepared by the Chief Clerk upon the filing of a pleading which initiates a proceeding, and which is provided to the party submitting the pleading. The Notice of Filing shall be published pursuant to R. 103-817(C) and shall otherwise be processed according to the Commission's Rules and Regulations concerning specific persons within the Commission's jurisdiction.

(2) The Notice of Filing shall contain a brief description of the pleading, reference to the statutory or other legal authority under which the pleading was filed, and the manner in which interested persons may file petitions to intervene or protests, and the return date.

J. Notice of Hearing.

(1) A statement prepared by the Chief Clerk which provides certain information relative to the public hearing scheduled in a proceeding before the Commission, and submitted to all parties in that proceeding. The Notice of Hearing shall be published, pursuant to applicable provisions of law.

(2) A Notice of Hearing shall include the following items of information:

(a) A statement of the date, time, and place of the public hearing;

(b) A reference to the legal authority under which the proceeding was instituted;

(c) A description of the subject and issues involved, and, in a rulemaking proceeding, the terms or substance of the proposed rule.

(3) At its discretion, the Commission may consolidate a Notice of Hearing with a Notice of Filing, and issue a Notice of Filing and Hearing, if the public interest so requires.

K. Order. A written decision or opinion issued by the Commission representing the whole or any part of the disposition (whether affirmative, negative, injunctive or declaratory in form) of a proceeding before the Commission.

L. Party or Party of Record. A party in a proceeding before the Commission who is entitled to receive all documentary materials, pleadings, orders or other dispositions of matters relevant to the proceeding. Parties of record will include applicants, complainants, defendants, respondents, and intervenors. Parties of record may file a petition for rehearing of Commission orders, pursuant to R. 103-854. The Office of Regulatory Staff shall be considered a party of record for the purposes of filing and receipt of pleadings and documentary materials, data requests, and for the conduct of proceedings.

M. Person. Any individual, partnership, corporation, association, establishment, limited liability companies, limited partnership, entities, governmental subdivision, or public or private organization of any character.

N. Petitioner. A party seeking relief from the Commission, and not otherwise designated herein.

O. Pleading. A document seeking relief in a proceeding before the Commission, including complaint, answer, application, protest, request, motion (other than an oral motion made during a proceeding) or petition.

P. Presiding Officer. A Commissioner or a hearing examiner appointed and duly designated by the Commission, who presides at proceedings before the Commission.

Q. Proceeding. The general process of the Commission's determination of the relevant facts and the applicable law, the consideration thereof and the action thereupon in regard to a particular subject matter within the Commission's jurisdiction, initiated by the filing of an appropriate pleading or issuance of a Commission order or rule to show cause.

R. Protestant. An individual objecting on the ground of private or public interest to the approval of an application, petition, motion or other matter which the Commission may have under consideration. A protestant may offer sworn testimony without the privilege of cross-examination of witnesses offered by other parties. A protestant desiring to become an intervenor in a proceeding before the Commission may file a petition for intervention.

S. Public Records.

(1) Those official items of information within the files of the Commission which are available for inspection by the public. Public records include:

- (a) Applications, complaints, petitions and other papers seeking Commission action;
- (b) Financial, statistical and other reports to the Commission; rates and rate schedules; any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation;
- (c) All pleadings, notices, depositions and formal records in proceedings before the Commission;
- (d) Any proposed testimony or exhibit filed with the Commission but not yet offered or received in evidence;
- (e) All Commission orders, notices, findings, opinions, determinations, and other actions in proceedings and all Commission minutes which have been approved and filed with the Chief Clerk;
- (f) All Commission correspondence relating to any furnishing of data or information;
- (g) Commission correspondence relating to the interpretation or applicability of any statute, rule, regulation or order issued or administered by the Commission and letters of opinion on those subjects signed by Staff Counsel and sent to others than the Commission, a Commissioner, or any of the Commission's staff;
- (h) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees and mandates in court proceedings in which the Commission is a party and all correspondence with the Courts or clerks of court.

(2) The term Public Records does not include any information specifically exempted by statute or Commission order.

(3) Public Records are available for public inspection at the offices of the Commission, during the Commission's business hours. Copies of public records may be made available by the Chief Clerk for a reasonable charge.

T. Representation.

(1) The act of serving as counsel for a party, or of serving as the authorized representative of a party, in a proceeding before the Commission. Representation of a party of record in a proceeding shall include the right to offer evidence on behalf of the party represented and to cross-examine witnesses offered by other parties. Those persons who may act in a representative capacity are the following:

(a) An individual may represent himself or herself in any proceeding before the Commission.

(b) An attorney authorized to practice law in the State of South Carolina may represent a party in any proceeding before the Commission. An attorney not authorized to practice before the courts of the State of South Carolina but authorized to practice before the courts of any other State may represent a party in any formal proceeding before the Commission upon association with an attorney admitted to practice before the courts of South Carolina.

(2) All persons acting in a representative capacity before the Commission shall be subject to any limitation imposed by statute or other proper authority.

U. Respondent. A party subject to any statute or other delegated authority administered by the Commission to whom an order, notice or rule to show cause is issued by the Commission instituting an investigation or a proceeding.

V. Rule. The whole or any part of a Commission statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure or practice requirements of the Commission.

W. Rulemaking. The Commission process for the formulation, amendment or repeal of a rule.

X. Rule to Show Cause. An order issued by the Commission instituting a proceeding against a person under the Commission's statutory authority. Such rule shall set forth the grounds for such action, and will contain a statement of the particulars and matters concerning which the Commission seeks to inquire and which shall be deemed to be tentative and for the purpose of framing issues for consideration and decision of the Commission in the proceeding. Such rule shall require that the respondent named respond in writing, as the Commission may direct.

Y. Staff Counsel. Legal Counsel of the Commission and Commission Staff.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-805. Representation.

A. Parties and Their Representatives. Parties in a case have the right to participate or to be represented in all hearings or pre-hearing conferences related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR. No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. Representation of Entities. Except as otherwise provided in S.C. Code Ann. Regs. 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional

association, must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. Representation of Individuals. An individual person not admitted to practice law in South Carolina may represent himself or herself but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the commission's regulations and the Administrative Procedures Act and must agree to E-Filing and E-Service as provided in S.C. Code Ann. Regs. 103-817.1 unless excused from doing so for good cause shown.

D. Notice of Appearance. An attorney or other person authorized to represent a party before the commission pursuant to this regulation shall file with the commission a notice of appearance when retained or authorized to represent a party after commencement of a case.

E. Unopposed Matters in Which an Entity May Proceed without Counsel. Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

- 1) application for approval of a tariff,
- 2) application for approval of a contract,
- 3) application for approval of an interconnection agreement between telephone carriers,
- 4) application for approval of a name change,
- 5) application for a certificate of public convenience and necessity to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, and a taxi, and
- 6) application of a mover of household goods for a certificate of FWA.

If the entity chooses not to use an attorney, it shall include in its submission a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the commission to allow the matter to proceed.

F. Motion to Withdraw from Representation. An attorney or other person authorized to represent a party before the commission pursuant to this regulation must file a written motion to withdraw from representation of a party or from participation in proceedings.

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.

103-810. Functions of the Commission.

The Commission, as provided for by the South Carolina Constitution and as vested with power and jurisdiction by the South Carolina General Assembly, performs the following general functions:

A. Regulation and supervision of privately-owned electric utilities as to rates, charges, services, facilities, practices, accounting procedures, the purchase, sale or lease of utility property and the issuance of securities; and the administration of the Rural Electric Cooperative Act, relative to territorial boundaries. S. C. Code Ann., Section 58-27-10 et. seq. (1976), as amended; and R.103-300, et. seq.

B. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all intrastate privately-owned gas, water and sewerage companies; and administration of the Gas Safety Act of 1970. S. C. Code Ann., Section 58-5-10 et. seq., (1976), as amended; R.103-400 et. seq.; R.103-500 et. seq., R.103-700, et. seq.

C. Except as otherwise provided by law, regulation and supervision of rates and charges, services, facilities, practices and accounting procedures for all privately and publicly-owned telephone and telegraph companies within the State. S.C. Code Ann. Section 58-9-10 et. seq., (1976), as amended; R. 103-600 et. seq.

D. Regulation and supervision of rates and charges, services, facilities, practices and accounting procedures of all radio common carriers within the State. S. C. Code Ann., Section 58-11-10 et seq., (1976).

E. Regulation and supervision of for hire motor carriers of freight and passengers relative to rates, schedules, rules, charges and facilities; issuance and supervision of the administration of Certificates of Public Convenience and Necessity; administration of Registration and Safety Act of 1970. S. C. Code Ann., Section 58-23-10 et. seq., (1976), as amended; R.103-100 et. seq.

F. Regulation and supervision of express and telegraph companies. S. C. Code Ann. Section 58-9-2310 et. seq. (1976), as amended.

G. Regulation and supervision of rates, services, charges, schedules, and facilities of railroads and railways. S. C. Code Ann., Section 58-15-10 et. seq. (1976), as amended; R.103-1 et. seq.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-811. Repealed by State Register Volume 39, Issue No. 6, Doc. No. 4454, eff June 26, 2015.

Editor's Note

Former R. 103-811 was titled Commissioners and had the following history: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-812. Chairman and Vice Chairman.

The Commission will elect one of their number chairman and another of their number vice-chairman.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988.

103-813. The Commission Staff.

The Commission is authorized and empowered to employ a chief clerk and deputy clerk; a commission attorney and assistant commission attorneys; hearing officers; hearing reporters; and such other professional, administrative, technical, and clerical personnel as the commission determines to be necessary in the proper discharge of the commission's duties and responsibilities as provided by law.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-814. Commission Meetings.

Formal meetings of the Commission are held on a weekly basis, or at the call of the chairman or at the call of a majority of the Commission, for the purposes of formulating decisions, composing orders, planning and coordinating the work of the Commission, and conferring with the Commission staff. The Chief Clerk shall be responsible for the arrangement of the agenda of matters to be considered at Commission meetings. All Commission meetings and executive sessions are conducted in accordance with the terms of S.C. Code Ann., Section 30-4-10 et. seq.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-815. Office Hours.

The offices of the Commission will be open for business daily during the hours between 8:15 A. M. and 4:45 P. M., Monday through Friday, subject to the observance of State holidays.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-816. Written Correspondence.

All written communications should may be directed or hand-delivered to the Commission's physical address found at www.psc.sc.gov. ~~to the following address:~~

~~The Public Service Commission of South Carolina~~

~~Post Office Drawer 11649~~

~~Columbia, South Carolina 29211~~

~~—Or hand delivered to the Commission's street address:~~

~~Synergy Business Park~~

~~101 Executive Center Drive~~

~~Columbia, South Carolina 29210-8411~~

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-817. Proceedings.

A. Nature of Proceedings. If required by law and upon filing of a pleading as set forth in R.103-819, et. seq., proceedings for the purpose of rulemaking, ratemaking, licensing, determining rights, duties, or privileges of any party, and undertaking an official inquiry for the purposes of gathering information or making determinations, which fall under the jurisdiction of the Commission, shall be conducted by one or more Commissioners, or by a hearing examiner through the development of a formal record.

B. Initiation of Proceedings.

(1) All proceedings shall be initiated by filing with the Chief Clerk at the business offices at the Commission an original and copies, as determined by the Commission, of an appropriate pleading unless otherwise provided, as designated in R.103-819, et seq.

(2) The Chief Clerk may refuse to accept for filing any pleading which does not conform to the rules of the Commission, and shall ~~mail~~ **furnish** written notice to the party or the authorized representative within ten days after receipt, stating why it has not been accepted for filing.

C. Conduct of Proceedings.

(1) All pleadings initiating proceedings shall be dated upon receipt and shall be assigned a docket number after filing, and all subsequent pleadings or correspondence shall refer to that docket number. Pleadings will be captioned in accordance with R.103-819, et seq., and shall be processed pursuant to these rules.

(2) The Chief Clerk after filing of the pleadings shall give the Commission notice of such filing at the next regular meeting of the Commission. Where provided by law, any proceeding initiated under these rules may be disposed of without hearing by Order of the Commission within 14 days after the pleading has been accepted for filing, upon the written opinion of the Commission that the pleading on its face shows that a hearing is not necessary, in the public interest, or for the protection of substantial rights.

(3) After any pleading has been accepted for filing, the Chief Clerk may:

(a) Serve the pleadings, as required, in accordance with R.103-830, or within fourteen (14) days, provide the party filing the pleading a Notice of Filing, and, where required by law, the party at its own expense shall publish such notice one time in newspapers having general circulation in the State, or, if applicable, in newspapers having general circulation in the party's service area. Except for good cause

shown, proof of publication must be filed on or before the return date. The Chief Clerk, pursuant to other rules of the Commission, may require that the Notice of Filing be mailed to customers and other persons and a certificate of **mailing service** be filed on or before the return date.

(b) Fix a date for hearing, as soon as practicable, and when a date is available on the docket calendar. If the hearing date has not been included in the Notice of Filing, the Chief Clerk shall prepare a Notice of Hearing, and shall forward such Notice of Hearing to all parties. Proof of **mailing service** must be placed in the formal record.

(c) Assign a time and place for any public hearing necessary in the conduct of any proceeding. The Chief Clerk shall likewise cause the pleadings to be served pursuant to these rules or issue written notice of the filing of pleadings which shall be published pursuant to law and notice of the hearing date assigned for the conduct of any formal proceeding, as provided by law.

(d) The Chief Clerk shall forward a copy of a Notice of Filing, a Prefile Testimony Letter, or a Transmittal Letter to all parties by electronic service or by U.S. Mail. The Chief Clerk shall forward a Notice of Filing and Hearing, a Notice of Hearing or any other document containing a hearing date to all parties by electronic service or by certified mail.

(e) Require from a person filing a pleading a letter incorporating a statement presenting the number of witnesses the person expects to offer in the proceeding and an estimate of the time required for the presentation of testimony and exhibits.

(4) Public hearings in the conduct of proceedings shall be held pursuant to R.103-836, et seq.

D. Final Disposition of Proceedings. Proceedings shall be concluded upon the issuance of an order by the Commission or upon a settlement or agreement reached by all parties to the proceedings and formally acknowledged by the Commission by issuance of an order.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 39, Issue No. 6, Doc. No. 4455, eff June 26, 2015.

103-817.1. E-Filing and E-Service.

A. Electronic Filing. The electronic transmission of a document to the E-Filing System in accordance with this Regulation constitutes the filing of that document in accordance with Title 58 of the South Carolina Code and the Commission's Regulations in Chapter 103 of the South Carolina Code of State Regulations.

B. Official Record. Where a document is E-Filed, the electronic version of that filing constitutes the official record. E-Filed documents have the same force and effect as documents filed by Traditional Means. Documents filed by Traditional Means may be converted to electronic format and made part of the docket by the Clerk's Office. Once converted, the electronic version constitutes the official record.

C. Timeliness. A document transmitted and received by the E-Filing System on or before 11:59:59 p.m., Eastern Standard Time, shall be considered filed with the Commission on that date, provided it is subsequently accepted by the Commission. Nothing in this Regulation should be construed to reduce or extend any filing or service deadlines set by statute, the South Carolina Rules of Civil Procedure, or orders of the Commission, except requests for extensions of time to file documents. Such requests must be filed with and approved by the Commission.

D. “Notice of Electronic Filing” or “Notification of Electronic Filing” (“NEF”) is a notice generated by the E-Filing System at the time of a filing or other Commission action. An NEF is transmitted by email to all Authorized E-Filers who have filed a Notice of Appearance and are counsel of record in the case and includes a description of the filing and a list of parties to whom the NEF was transmitted.

E. Electronic Service.

(1) Electronic Service of Process Not Authorized. Service of process or service of any pleadings initiating cases cannot be accomplished through the E-Filing System. The E-Filing System may not be used for service of process of an ~~summons and complaint~~ application, petition, complaint, rule to show cause, subpoena, or any other pleading or document required to be personally served under Rule 4, SCRCP (South Carolina Rules of Civil Procedure).

(2) Service of Other Papers on Authorized E-Filers by the E-Filing System. Except as provided in subparagraphs (A) and (B) below, upon the E-Filing of any pleading, motion, or other paper subsequent to the ~~summons and complaint or other~~ filing initiating a case, the E-Filing System will generate and transmit an NEF to all Authorized E-Filers associated with that case after the filing has been accepted for processing by the Commission. Where the parties are proceeding in the E-Filing System and a pleading, motion, or other paper must be filed, made, or served under the Commission’s statutes or regulations or the SCRCP, upon the filer’s receipt of a confirmation email stating that the filing has been accepted for processing by the Commission, the E-Filing of that pleading, motion, or other paper, together with the transmission of an NEF, constitutes proper service under Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, as to all other parties who are E-Filers in that case. It is the responsibility of an E-Filer to review the content of the E-Filed document in the E-Filing System to determine its force and effect.

(a) No NEF will be created at case initiation; however, the E-Filing System will transmit confirmations of receipt and acceptance of the filing.

(b) NEFs are only transmitted via email to representatives of parties of record. E-Filers should comply with Commission Regulation 103-805 (Representation) for entering an electronic notice of appearance when making an initial responsive filing in a case that was initiated via the E-Filing System.

(3) Service Complete upon E-Filing. Service of a pleading, motion, or other paper by NEF subsequent to the summons and complaint or other filing initiating a case is complete at the time of the submission and the Clerk’s Office acceptance of the pleading, motion, or other paper for E-Filing, provided an NEF is transmitted by the E-Filing System in accordance with paragraph (e)(2) of this Section. The act of E-Filing the pleading, motion or other paper is the equivalent of depositing it in the United States Mail under Rule 5(b)(1), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. The NEF constitutes proof of service under Rule 5(b), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and the date of service shall be the date stated in the NEF as the “Official File Stamp.” Where notice of the filing of a pleading, motion, or other paper is served by an NEF, the E-Filer need not file proof of service, but the E-Filer must retain a copy of the NEF as proof of service.

(4) Time to Respond Following Electronic Service. Computation of the time for a response after service by NEF is governed by Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(5) Service by or upon a Party Who is Not an E-Filer in a Case.

(a) E-Filed motions, pleadings, or other papers that must be served upon a party who is not represented by an Authorized E-Filer in the case or who is a Traditional Filer must be served by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations. An Authorized E-Filer who has E-Filed a motion, pleading, or other paper prior to service of the motion, pleading, or other paper shall serve a paper copy of the corresponding NEF on the Traditional Filer(s). The Authorized E-Filer must also file proof of Traditional Service as to all other parties who are Traditional Filers.

(b) Traditional Filers must continue to serve all parties with a paper copy of the motion, pleading, or other paper by a Traditional Service method in accordance with Rule 5, SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations, and file a copy of the motion, pleading, or other paper with the Commission, together with proof of service, as required by Rule 5(d), SCRCP, Title 58 of the South Carolina Code and Chapter 103 of the South Carolina Code of State Regulations.

(6) Failed Transmission of NEF. If an Authorized E-Filer becomes aware that the NEF was not transmitted successfully to other Authorized E-Filers in the case, or that the NEF is deficient, the Authorized E-Filer shall, upon learning of the failure or deficiency, serve the E-Filed document by email, hand delivery, facsimile, or first class mail. Proof of such service shall be E-Filed with the Commission within one business day of service.

HISTORY: Added by SCSR 44-6 Doc. No. 4879, eff June 26, 2020.

103-818. Rulemaking Proceedings.

A. Nature of Rulemaking Proceedings. When permitted by law, and upon the filing of a pleading, proceedings for the purpose of rulemaking shall be conducted by one or more Commissioners or by a hearing examiner through the development of a formal record.

B. Initiation of Rulemaking Proceedings. Rulemaking proceedings shall be initiated by the process identified in R. 103-817B.

C. Conduct of Rulemaking Proceedings.

(1) Pleadings filed with the Commission initiating rulemaking proceedings shall be processed as in proceedings, pursuant to R. 103-817C(1) and (2).

(2) General notice of proposed rulemaking proceedings shall be made in accordance with applicable provisions of law.

(3) The Commission shall provide an opportunity to interested parties for participation in the rulemaking proceeding through submission of written data, views or arguments with or without opportunity for oral presentation.

D. Final Disposition of Rulemaking Proceedings. Rulemaking proceedings shall be concluded upon the issuance of an order by the Commission issuing, amending, or repealing a rule or rules, and containing a concise general statement of the basis and purpose of such rule or rules. Publication of such rule or rules shall be made in accordance with applicable provisions of law.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-819. General Contents of Pleadings.

All pleadings in proceedings before the Commission to which docket numbers have been assigned shall prominently display such docket numbers. All pleadings shall also include the following information:

- A. The legal name and address of each person by whom such pleading is filed;
- B. The full name and address of the authorized representative of the person filing the pleading;
- C. A concise and cogent statement of the facts such person is prepared to present to the Commission;
- D. A statement identifying the specific relief sought by the person filing the pleading.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-820. General Form of Pleadings.

All pleadings filed in proceedings before the Commission should be typewritten on paper cut or folded to letter size (8 to 8 1/2 inches wide by 10 1/2 to 11 inches long) with a left-hand margin not less than 1 1/2 inches wide and other margins not less than 1 inch wide. The impression shall be on one side of the paper only.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-821. Copies of Pleadings.

Pleadings shall be filed in one original and copies, as determined by the Commission, unless otherwise specified by the Chief Clerk. In addition, where practicable, an electronic copy of the pleadings shall be served on the Chief Clerk and all parties according to such procedures as may be directed by the Commission. Mimeographed or photocopied copies will be accepted as typewritten, provided all copies are clearly legible.

HISTORY: Amended by State Register Volume 19, Issue No. 5, eff May 26, 1995; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-822. Signature and Verification.

All pleadings filed with the Commission shall be signed. The signature of the person, or its authorized representative, submitting the pleading, shall constitute an admission that such person or representative has read the pleading and knows the contents thereof, and, if the signatory is acting in a representative capacity, that such signatory has the capacity and authority specified therein. A verification under oath shall be required if facts are alleged to be true within the knowledge of the person filing the pleading.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-823. Applications.

Applications are submitted to the Commission for any authorization or permission which the Commission is empowered to grant under its statutory authority, including applications for establishment or adjustment of rates and charges.

A. Content of Applications. Applications shall state clearly and concisely the authorization or permission sought, and shall refer to the specific statutory provision or other authority under which Commission authorization or permission is sought. Applications shall further set forth the following information:

(1) The precise legal name of the applicant, which shall indicate whether the applicant is a partnership, corporation, association, establishment, governmental subdivision, or other public or private organization.

(2) The name, title, address, e-mail address, and telephone number of the person to whom correspondence or communications relative to the application is to be addressed.

(3) The following data, in general rate establishment or adjustment applications, attached as exhibits and developed for a historic twelve-month test period unless otherwise directed:

**MINIMUM FILING REQUIREMENTS FOR ELECTRICAL AND GAS UTILITIES (for
Electrical Utilities and Gas Utilities That Have 100,000 or More Customers)**

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MINIMUM FILING REQUIREMENTS FOR ELECTRICAL AND GAS UTILITIES (for Electrical and/or Gas Utilities That Have Fewer Than 100,000 Customers)

SCHEDULE A-1	Balance Sheet
SCHEDULE A-2	Profit and Loss Statement
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SCHEDULE A-6	Statement of Fixed Assets and Depreciation Reserve
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MINIMUM FILING REQUIREMENTS FOR WASTEWATER UTILITIES WHICH HAVE FILED AN APPLICATION FOR AN INCREASE IN EXISTING RATES AND CHARGES

SCHEDULE A-1	STATEMENT OF NEED JUSTIFYING THE PROPOSED RATE ADJUSTMENTS, INCLUDING FINANCIAL NEEDS, RATE DESIGN ADJUSTMENTS, OR CHANGES IN OPERATIONS
SCHEDULE A-2	CURRENT INCOME AND EXPENSE STATEMENT FOR THE PRECEDING TWELVE MONTHS
SCHEDULE A-3	PROPOSED RATE SCHEDULE
SCHEDULE A-4	TEST YEAR TO BE USED
SCHEDULE A-5	PRO-FORMA INCOME AND EXPENSE STATEMENT USING PROPOSED RATES APPLIED TO THE PROPOSED TEST YEAR
SCHEDULE A-6	BALANCE SHEET FOR TWO YEARS, UP TO AND INCLUDING THE TEST YEAR

SCHEDULE A-7	DEPRECIATION SCHEDULE BY CATEGORIES OF PLANT OR AVERAGE SERVICE LIVES
SCHEDULE A-8	NUMBER OF PRESENT AND EXPECTED CUSTOMERS IN THE FOLLOWING TWELVE MONTHS
SCHEDULE A-9	COST JUSTIFICATIONS FOR PROPOSED RATES AND CHARGES, WHICH INDICATE THE COST DRIVERS FOR THE PROPOSED INCREASE
SCHEDULE A-9.5	CURRENT COST OF SERVICE STUDY FOR UTILITIES WHICH HAVE REVENUE OF \$1,000,000 OR MORE
SCHEDULE A-10	FILING OR UPDATING OF PERFORMANCE BOND
SCHEDULE A-11	CURRENT OR UPDATED SERVICE AREA MAP MUST BE INCLUDED IN THE APPLICATION FILED BY THE UTILITY
SCHEDULE A-12	STATEMENT OF TOTAL PLANT INVESTMENT, WHICH INCLUDES DATE OF ACQUISITION, ORIGINAL COST, CAPITAL IMPROVEMENTS, ACCUMULATED DEPRECIATION, USEFUL LIVES, CURRENT DEPRECIATION, RETIREMENTS, FORECASTED RETIREMENTS WITHIN TWELVE MONTHS OF THE TEST YEAR, AND CONTRIBUTIONS IN AID OF CONSTRUCTION
SCHEDULE A-12.5	CONSTRUCTION WORK IN PROGRESS
SCHEDULE A-13	MOST RECENT LETTER OF APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
SCHEDULE A-14	CUSTOMER BILL FORM
SCHEDULE A-15	ANNUAL REPORT ON FILE AND COPY OF THE RECEIPT SHOWING LAST PERIOD GROSS RECEIPTS PAID
SCHEDULE A-16	PERTINENT OR RELEVANT INFORMATION DETERMINED BY THE COMMISSION

MINIMUM FILING REQUIREMENTS FOR WASTEWATER UTILITIES WHICH HAVE FILED AN APPLICATION FOR AN ESTABLISHMENT OF RATES AND CHARGES

SCHEDULE A-1	COPY OF ARTICLES OF INCORPORATION OR PARTNERSHIP AGREEMENT
SCHEDULE A-2	PLAT OF PROPOSED AREA TO BE SERVED
SCHEDULE A-3	COPY OF ENGINEERING PLANS AND SPECIFICATION DESIGNED OR CERTIFIED TO BE IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES BY A

	PROFESSIONAL ENGINEER REGISTERED IN SOUTH CAROLINA
SCHEDULE A-4	CONSTRUCTION PERMIT FROM THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVING THE ENGINEERING PLANS AND SPECIFICATIONS
SCHEDULE A-5	SCHEDULE OF PROPOSED RATES AND CHARGES AND COST JUSTIFICATIONS INCLUDING TAP FEES WITH ATTACHED SCHEDULES DEPICTING LABOR COSTS, MATERIALS COSTS, AND MISCELLANEOUS COSTS
SCHEDULE A-6	NUMBER OF CUSTOMERS PROPOSED TO BE SERVED AND THE CAPACITY OF THE SYSTEM
SCHEDULE A-7	FINANCIAL STATEMENT SHOWING PROPOSED PLANT INVESTMENT BY CATEGORIES
SCHEDULE A-8	DEPRECIATION SCHEDULE BY CATEGORIES OF PLANT OR AVERAGE SERVICE LIVES
SCHEDULE A-9	PRO-FORMA INCOME AND EXPENSE STATEMENT SHOWING THE EFFECT OF USING THE PROPOSED RATES BASED ON PLANT CAPACITY
SCHEDULE A-10	FILING OR UPDATING OF PERFORMANCE BOND
SCHEDULE A-11	STATEMENT BY A PROFESSIONAL ENGINEER THAT THE SYSTEM WAS BUILT AND INSTALLED ACCORDING TO PLANS AND SPECIFICATIONS ON FILE WITH THE COMMISSION AND WILL FURNISH ADEQUATE SERVICE FOR THE AREA TO BE SERVED
SCHEDULE A-12	LETTER FROM THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVING THE SYSTEM FOR OPERATION
SCHEDULE A-13	CUSTOMER BILL FORM
SCHEDULE A-14	PERTINENT OR RELEVANT INFORMATION DETERMINED BY THE COMMISSION

MINIMUM FILING REQUIREMENTS FOR WATER UTILITIES WHICH HAVE FILED AN APPLICATION FOR AN INCREASE IN EXISTING RATES AND CHARGES

SCHEDULE A-1	STATEMENT OF NEED JUSTIFYING THE PROPOSED RATE ADJUSTMENTS
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SCHEDULE A-2	CURRENT INCOME AND EXPENSE STATEMENT FOR THE PRECEDING TWELVE MONTHS
SCHEDULE A-3	PROPOSED RATE SCHEDULE
SCHEDULE A-4	TEST YEAR TO BE USED
SCHEDULE A-5	PRO-FORMA INCOME AND EXPENSE STATEMENT USING PROPOSED RATES APPLIED TO THE PROPOSED TEST YEAR
SCHEDULE A-6	BALANCE SHEET
SCHEDULE A-7	DEPRECIATION SCHEDULE BY CATEGORIES OF PLANT OR AVERAGE SERVICE LIVES
SCHEDULE A-8	NUMBER OF PRESENT AND EXPECTED CUSTOMERS IN THE FOLLOWING TWELVE MONTHS
SCHEDULE A-9	COST JUSTIFICATIONS FOR PROPOSED RATES AND CHARGES, INCLUDING TAP FEES, WITH ATTACHED SCHEDULES DEPICTING LABOR COSTS, MATERIALS COSTS, AND MISCELLANEOUS COSTS
SCHEDULE A-9.5	CURRENT COST OF SERVICE STUDY FOR UTILITIES WHICH HAVE REVENUE OF \$1,000,000 OR MORE
SCHEDULE A-10	FILING OR UPDATING OF PERFORMANCE BOND
SCHEDULE A-11	CURRENT OR UPDATED SERVICE AREA MAP
SCHEDULE A-12	STATEMENT OF TOTAL PLANT INVESTMENT
SCHEDULE A-12.5	CONSTRUCTION WORK IN PROGRESS
SCHEDULE A-13	MOST RECENT LETTER OF APPROVAL FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, DATED NOT MORE THAN SIX (6) MONTHS PRIOR TO DATE OF APPLICATION
SCHEDULE A-14	CUSTOMER BILL FORM
SCHEDULE A-15	ANNUAL REPORT ON FILE AND A COPY OF THE RECEIPT SHOWING LAST PERIOD GROSS RECEIPTS PAID
SCHEDULE A-16	PERTINENT OR RELEVANT INFORMATION DETERMINED BY THE COMMISSION

MINIMUM FILING REQUIREMENTS FOR WATER UTILITIES WHICH HAVE FILED AN APPLICATION FOR AN ESTABLISHMENT OF RATES AND CHARGES

SCHEDULE A-1	COPY OF ARTICLES OF INCORPORATION OR PARTNERSHIP AGREEMENT
SCHEDULE A-2	PLAT OF PROPOSED AREA TO BE SERVED

SCHEDULE A-3	COPY OF ENGINEERING PLANS AND SPECIFICATION DESIGNED OR CERTIFIED TO BE IN ACCORDANCE WITH GOOD ENGINEERING PRACTICES BY A PROFESSIONAL ENGINEER REGISTERED IN SOUTH CAROLINA
SCHEDULE A-4	CONSTRUCTION PERMIT FROM THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVING THE ENGINEERING PLANS AND SPECIFICATIONS
SCHEDULE A-5	SCHEDULE OF PROPOSED RATES AND CHARGES AND COST JUSTIFICATIONS INCLUDING TAP FEES WITH ATTACHED SCHEDULES DEPICTING LABOR COSTS, MATERIALS COSTS, AND MISCELLANEOUS COSTS
SCHEDULE A-6	NUMBER OF CUSTOMERS PROPOSED TO BE SERVED AND THE CAPACITY OF THE SYSTEM
SCHEDULE A-7	FINANCIAL STATEMENT SHOWING PROPOSED PLANT INVESTMENT BY CATEGORIES
SCHEDULE A-8	DEPRECIATION SCHEDULE BY CATEGORIES OF PLANT OR AVERAGE SERVICE LIVES
SCHEDULE A-9	PRO-FORMA INCOME AND EXPENSE STATEMENT SHOWING THE EFFECT OF USING THE PROPOSED RATES BASED ON PLANT CAPACITY
SCHEDULE A-10	FILING OR UPDATING OF PERFORMANCE BOND
SCHEDULE A-11	STATEMENT BY A PROFESSIONAL ENGINEER THAT THE SYSTEM WAS BUILT AND INSTALLED ACCORDING TO PLANS AND SPECIFICATIONS ON FILE WITH THE COMMISSION AND WILL FURNISH ADEQUATE SERVICE FOR THE AREA TO BE SERVED
SCHEDULE A-12	LETTER FROM THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL APPROVING THE SYSTEM FOR OPERATION, DATED NOT MORE THAN SIX (6) MONTHS PRIOR TO DATE OF APPLICATION
SCHEDULE A-13	CUSTOMER BILL FORM
SCHEDULE A-14	PERTINENT OR RELEVANT INFORMATION DETERMINED BY THE COMMISSION

(3.5) A company must file its direct testimony at the same time as its application.

(3.6) A company must submit with its application all supporting documents, including studies, models, workpapers, spreadsheets, tables, formulas, and data that support its requests. Access to proprietary programs or access to personnel who can assist with the review of proprietary programs, including but not limited to, changes in performing simulations, scenario analysis, and data production.

(3.7) All pleadings and testimony filed with the Commission must be in searchable pdf format.

~~(a) Balance sheet;~~

~~(b) Profit and loss statement;~~

~~(c) Accounting and pro forma adjustments;~~

~~(d) Computation of proposed increase or decrease;~~

~~(e) Effect of proposed increase or decrease to include copies of present and proposed tariffs;~~

~~(f) Statement of fixed assets and depreciation reserve;~~

~~(g) Rates of return on rate base and on common equity.~~

(4) All other information required by statute or by the Commission's Rules and Regulations under which a specific type of application is filed, or as may be required by the Commission in a particular proceeding.

B. Form of Applications. Except where otherwise prescribed by the Rules and Regulations of the Commission under which a specific type of application is filed, applications shall conform to the requirements of R. 103-819 through R. 103-822.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-823.1. Financing Applications.

Any electrical utility filing financing applications must provide the following information as a separate part of its application:

a. Identify the effect of the proposed financing on the utility's income statement and balance sheet and identify the impact of the proposed financing on the utility's capital structure;

b. Identify specifically how the funds obtained through the proposed financing are to be used by the utility;

c. Provide information on the possible impact on the utility if the proposed financing is not approved or if approval is delayed;

d. Specify the expected effective rate of interest of any debt financing (a range for the rate is appropriate). For common stock issues, provide information on the anticipated market price and book value per share at the time of issue;

e. Provide information on the expected benefits (e.g., savings expected from early debt retirement) and costs (e.g., issuance expenses) of the proposed financing. Provide any studies that were developed to identify these costs and benefits and the net result. (This could incorporate present value analysis of the costs and benefits.) Identify the basic assumptions of any analyses of costs and benefits.

HISTORY: Added by State Register Volume 36, Issue No. 5, eff May 25, 2012.

103-824. Complaints.

Any person complaining of anything done or omitted to be done by any person under the statutory jurisdiction of the Commission in contravention of any statute, rule, regulation or order administered or issued by the Commission, may file a written complaint with the Commission, requesting a proceeding.

A. Contents of Complaints. A written complaint filed with the Commission shall contain the following information:

(1) The name, address, e-mail address, and telephone number of the person making the complaint and of his authorized representative, if he is represented.

(2) The name and address of the person about whom the complaint is made.

(3) A concise and cogent statement of the factual situation surrounding the complaint. If a complaint relates to an act, rule, regulation or order administered or issued by the Commission, or to a provision in a tariff or contract on file with the Commission, the act, rule, regulation, order, tariff or contract should be specifically identified in the complaint.

(4) A concise statement of the nature of the relief sought.

B. Form of Complaints. A complaint filed pursuant to this section shall conform to the requirements of R. 103-819 through R. 103-822.

C. Joinder of Complaints. Two or more grounds of complaint concerning the same subject or set of facts may be included in one complaint, but should be separately stated and numbered. Two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and if they involve substantially the same purpose, subject or set of facts.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-825. Petitions.

Petitions may be submitted to the Commission for any relief, other than for an adjustment of rates and charges, which the Commission is empowered to grant under its statutory authority. Petitions which may be filed include: Petition for Rulemaking, Petition for a Declaratory Order, Petition to Intervene, Petition for Rehearing or Reconsideration, and Petition for a Rule to Show Cause.

A. Content of Petitions. Petitions shall state clearly and concisely the petitioner's grounds of interest in the subject matter, the facts relied upon, and the relief sought. Petitions shall cite by appropriate reference

the statutory provision or other authority relied upon for relief. The following requirements are applicable to specific types of Petitions:

(1) A Petition for Rulemaking shall set forth clearly and concisely:

- (a) The petitioner's interest in the subject matter;
- (b) The specific rule, amendment, waiver or repeal requested;
- (c) The statutory provision or other authority therefore;
- (d) The purpose of, and the grounds requiring, the proposed rulemaking.

(2) A Petition for Declaratory Order to determine applicability of any statute or of any rule or order of the Commission shall state clearly and concisely:

- (a) A full disclosure of the petitioner's interest;
- (b) The uncertainty which is the subject of the petition;
- (c) The statutory provision or other authority involved;
- (d) A complete statement of the facts prompting the petition.

(3) A Petition to Intervene in a proceeding before the Commission shall set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene.

(4) A Petition for Rehearing or Reconsideration shall set forth clearly and concisely:

- (a) The factual and legal issues forming the basis for the petition;
- (b) The alleged error or errors in the Commission order;
- (c) The statutory provision or other authority upon which the petition is based.

B. Form of Petitions. With the following exception for Petitions to Intervene, all petitions shall conform to the requirements of R. 103-819 through R. 103-822. Handwritten Petitions to Intervene may be accepted by the Commission, if legible.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-826. Answers.

Answers are submitted to the Commission in response to complaints and petitions, and to Rules to Show Cause issued by the Commission. Answers are not required to Petitions for Rehearing or Reconsideration.

A. Content of Answers.

(1) Answers shall be drawn so as to advise fully and completely the Commission and any party as to the nature of the defense. Answers shall admit or deny, specifically and in detail, each material allegation of the pleading answered, and shall state clearly and concisely the facts and law relied upon.

(2) In an answer to a Rule to Show Cause, mere general denials of the allegations contained in the rule which are unsupported by specific facts will not be considered as complying with this section and may be deemed a basis for entry of a final order without hearing, unless otherwise required by law, on the ground that that answer has raised no issue requiring a hearing or further proceeding.

B. Form of Answers. Except as provided in R. 103-826 all answers shall conform to the requirements of R. 103-819 through R. 103-822.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-827. Protests.

A. In General. A protest is intended to advise the Commission and all parties to a proceeding before the Commission of the fact and character of the protestant's objection to part or all of the subject matter of the proceeding. The filing of a protest does not make the protestant a party of record. The protest will be placed in a public file associated with, but not part of the formal record, and will be available for such further exploration of the substantive matters raised therein by the Office of Regulatory Staff and other parties as may be appropriate.

B. Form of Protests. No specific form of protest shall be required. The letter or writing should contain the name and address of the protestant, the proceeding or matter to which the protest is addressed, a concise statement of the protest, and whether the protestant wishes to make an appearance at a hearing, if scheduled.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-828. Amendments.

Any modification or supplement to a pleading shall be deemed an amendment to the pleading, and shall comply with the particular requirements of content and form for the type of pleading so amended. Upon its own motion or upon motion duly filed by a party of record, the Commission may for good cause decline to permit, or may strike in whole or in part, any amendment. No amendment to a pleading may be filed within ten (10) days prior to the commencement of or during a hearing unless directed or permitted by the Commission or presiding officer after opportunity for all parties of record to be heard thereon.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-829. Motions.

A. Motions, except those made during hearings, will be reduced to writing and filed with the Chief Clerk at least ten (10) days prior to the commencement of a hearing. Responses to such motions are due within ten days after service of said motions. Replies to responses to motions shall be filed with the Commission within five days of service of the response. These times may be modified by order of the Commission or its designee for good cause. Written motions to quash a subpoena will be made pursuant to R. 103-832.

B. The Commission, in its discretion and upon due notice to all parties of record, may entertain oral argument and response on prefiled motions in advance of the scheduled hearing in the proceeding to which the motions pertain. Otherwise, such argument and response shall be made at the commencement of the hearing. The presiding officer may make a ruling upon such motion at the completion of oral argument, at the conclusion of the hearing, or in the written order making disposition of the subject matter of the proceeding.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-830. Filing and Service of Pleadings.

All pleadings shall be filed with the Chief Clerk of the Commission and served on the Office of Regulatory Staff unless and until it chooses not to participate in a proceeding.

A. Service of Complaints and Answers.

(1) A complainant requesting a hearing shall file the complaint with the Chief Clerk. The Chief Clerk shall **mail furnish** a copy of the complaint to the defendant within 14 days of filing.

(2) The defendant shall serve its answer on the complainant and shall file its answer with certification of service with the Commission within 30 days of receipt of the complaint, unless an extension of time is granted for good cause shown. Any defendant failing to file its answer within such period, unless an extension of time is granted, shall be deemed in default and all relevant facts stated in such complaint may be deemed admitted.

B. Service of Petitions and Answers.

(1) If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the Chief Clerk shall cause a copy of the petition to be **mailed furnished** to such named person within 14 days of the filing of the petition.

(2) The person named in a petition for a declaratory order or in a petition for a rule to show cause shall serve its answer on the petitioner and shall file its answer with certification of service with the Chief Clerk within 30 days of the receipt of the petition from the Chief Clerk unless an extension of time is granted for good cause shown.

(3) A person filing a petition to intervene or a party of record filing a petition for rehearing or reconsideration shall file the petition with certification that service of the petition has been made on all

parties of record. The Chief Clerk shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

C. Service of Amendments. Any amendment to a pleading shall be served and answered, if applicable, according to the requirements specified herein for the type of pleading sought to be amended.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-830.1. Service Between Parties of Record.

Upon written agreement by all the parties in a docket, service of filings made in a docket at the commission may be made through e-mail or electronic service. The written agreement memorializing the parties' consents shall be filed with the commission in the appropriate docket.

Upon a notice of appearance by a party in a docket or, in the case of an intervenor, the filing of a Petition to Intervene, service of filings made in a docket at the Commission shall be made through email or electronic service. The appearance of a party, or the filing of a Petition to Intervene in the docket evidences the consent of the party or Intervenor to accept service by email or electronic service. The notice of appearance filed by the party or Intervenor shall include an email address to receive electronic service of filings. If a party does not have the ability for electronic service, the party shall be served by traditional means.

HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009.

103-831. Computation of Time.

The computation of time shall be governed by Rule 6 of the South Carolina Rules of Civil Procedure. Extensions of time may be granted by the commission for good cause shown. The provisions of Regulation 103-831 do not apply to Petitions for Rehearing or Reconsideration.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007; State Register Volume 33, Issue No. 6, eff June 26, 2009.

103-832. Subpoenas and Subpoenas Duces Tecum.

Subpoenas and Subpoenas Duces Tecum shall be issued and served in a manner consistent with the South Carolina Rules of Civil Procedure.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-833. Written Interrogatories and Request for Production of Documents and Things.

A. Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers prepared for the pending proceeding.

B. Unless under special circumstances and for good cause shown, written interrogatories shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record written interrogatories to be answered by the party served. If the party served is a public or private corporation, partnership, association, or governmental agency, any officer or agent who possesses the desired information may respond to the interrogatories. Copies of interrogatories served shall also be filed with the Chief Clerk. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the interrogatories, but not less than 20 days after the service thereof, unless the time is extended **or shortened** by the Commission for good cause shown.

C. Unless under special circumstances and for good cause shown, requests for production of documents and things shall not be served less than 10 days prior to the date assigned for commencement of hearing. Any party of record may serve upon other parties or parties of record requests for production of documents and things to be answered by the party served. If the party served is a public or private corporation, partnership, association, or governmental agency, any officer or agent who possesses the desired information may respond to the requests for production of documents and things. Copies of requests for production of documents and things served shall also be filed with the Chief Clerk. Each request for production of documents and things shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the individual making them and subscribed by an appropriate verification. Objections are to be signed by the authorized representative or individual making them. The person upon whom the requests for production of documents and things have been served shall serve a copy of the answers and objections within the time period designated by the party of record submitting the requests for production of documents and things, but not less than 20 days after the service thereof, unless the time is extended by the Commission for good cause shown.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-834. Depositions.

Any party of record to a proceeding may, by written request, ask the Commission or its designee for leave to take the testimony of any witness by deposition. The request shall set forth the facts the requesting party seeks to establish by the deposition. Such written request shall be filed with the Commission at least 10 days prior to the commencement of the scheduled hearing. The requesting party shall give notice by providing a copy of the written request to each party of record to the proceeding. If the Commission or its designee deems the request meritorious, it may issue an Order designating the individual whose deposition may be taken, specifying the subject matter of the examination, and setting forth the time and place of such deposition, and whether it shall be written or oral examination. All costs incidental thereto shall be paid by the party desiring such deposition. If the request is not deemed meritorious, the written request shall be denied by Order or otherwise.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-835. Other Discovery Procedures.

The S. C. Rules of Civil Procedure govern all discovery matters not covered in Commission Regulations. Upon motion by a party, the Commission may entertain proposed modifications to discovery procedures and schedules.

All discovery, including requests and responses to discovery, shall be served upon all parties. Every party is entitled to receive or to request a copy of all prior discovery in the proceeding upon the granting of intervention.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-836. How Hearings are Set.

The Commission will assign a time and place for hearing and shall give notice thereof as required by law.

The Commission is authorized to conduct such hearings virtually or by other remote means, as needed.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-837. Hearing Calendar.

The hearing calendar will be posted in the office of the Chief Clerk of the Commission and shall be available for inspection by the public during the office hours of the Commission. Proceedings pending upon this calendar will be heard in their order of assignment, so far as practicable, at the times and places fixed, provided, however, in its discretion, with or without motion, the Commission may, at any time with reasonable notice to the parties, advance or postpone any proceeding on the hearing calendar.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-838. Continuance.

Any party of record desiring a continuance shall, immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to its knowledge, notify the Chief Clerk, stating in detail the reasons why such continuance is necessary. Unless good cause is shown, no such continuance shall be granted.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-839. Prehearing Conferences.

A. Purposes. Upon written notice by the Commission in any proceeding, parties of record or their authorized representative may be directed to meet before a designated staff member at a specified time and place for a conference, prior to a hearing, for the purpose of formulating issues, and considering:

- (1) The simplification of issues;
- (2) The necessity or desirability of amending the pleadings for the purposes of clarification, amplification or limitation;
- (3) The possibility of obtaining admissions of fact and documents which will avoid unnecessary proof;
- (4) Limitations on the number and consolidation of the examination of witnesses;
- (5) The procedure at the hearing;
- (6) The distribution of written testimony and exhibits to the parties prior to the hearing;
- (7) Any other matters as may aid in the disposition of the proceeding, or settlement thereof.

B. Report of Stipulations. Following the prehearing conference, a proposed Report of Stipulations, reciting the action taken at the conference, amendments allowed to the pleadings, if any, and agreements, if any, made by the parties of record concerning all of the matters considered, shall be provided to the parties of record or their authorized representatives for approval. If no objection to the Report of Stipulations is filed within ten days after the date such Report is mailed, it shall be deemed to be approved. This Report, when approved, shall limit the issues to be heard at the hearing to those not disposed of by admissions or agreements of the parties or their authorized representative and will control the subsequent course of the formal proceeding unless modified at the hearing to prevent manifest injustice.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-840. Consolidated Hearings.

The Commission, upon its own motion or upon motion by any party, may order two or more proceedings involving a similar question of law or fact to be consolidated for hearing where rights of the parties or the public interest will not be prejudiced by such procedure.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-841. Presiding Officer.

A. In General. When evidence is to be taken in a proceeding before the Commission, any Commissioner or any hearing examiner designated by the Commission may preside at the hearing.

B. Powers and Duties of Presiding Officer. A presiding officer shall have the duty to conduct full, fair, and impartial hearings, to take appropriate action to avoid unnecessary delay in the disposition of proceedings, and to maintain order; and shall possess all powers necessary to that end, including the following:

- (1) To administer oath and affirmations;
 - a. The presiding officer may appoint a designee to administer oath and affirmations.

(2) To order subpoenas issued and to provide for other methods of discovery;

(3) To receive evidence and rule upon all objections and motions which do not involve final determination of proceedings;

(4) To take such other action as may be necessary and appropriate to the discharge of duties consistent with the statutory authority or other authorities under which the Commission functions.

~~C. Report of Presiding Officer. When a majority of the Commissioners do not hear a proceeding or read the record thereof, the presiding officer shall mail to the parties of record a proposed Order. The proposed Order shall contain a statement of facts relied upon in formulating such Order and each issue of fact or law necessary to it. Any party of record will then have ten days in which to file exceptions, present briefs, and file written requests for oral argument to the Commission, if it is desired to do so. If exceptions and briefs are filed within the prescribed time period, the Commission will consider the points raised therein and will issue its Order based upon the record of the formal proceeding, the proposed Order, and the exceptions and briefs filed. If a written request for oral argument is filed, the Commission will establish a date for such oral argument to be heard and will notify all parties of record as to date, time and place for such argument. Thereafter, the Commission will issue its Order based upon the record of the formal proceeding, the proposed Order, any exceptions and briefs filed, and the oral argument presented. If no exceptions, briefs, or written requests for oral argument are received within the prescribed ten days, the Commission will issue its Order based upon the record of the formal proceeding and the proposed Order.~~

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-842. Order of Procedure.

A. Investigations. Upon an investigation initiated by the Office of Regulatory Staff or by request of the Commission, evidence in a proceeding will ordinarily be received in the following order:

- (1) Office of Regulatory Staff;
- (2) Respondent;
- (3) Other parties.

B. Applications and Petitions. Evidence will ordinarily be received upon applications and petitions in the following order:

- (1) Applicant or Petitioner;
- (2) Other parties;
- (3) Office of Regulatory Staff.

C. Complaint. Evidence will ordinarily be received upon complaints in the following order:

- (1) Complainants;

- (2) Respondents;
- (3) Other parties;
- (4) Office of Regulatory Staff.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-843. Standard of Conduct.

All individuals acting in a representative capacity in proceedings before the Commission shall conform to the standards of ethical conduct required of attorneys before the courts of this State. If any such individual does not conform to such standards, the Commission may decline to permit such individual to act in a representative capacity in any proceeding before the Commission.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-844. Failure to Attend Designated Hearing.

A. At the time and place set for hearing, if an applicant, petitioner, or complainant fails to attend personally or through an authorized representative without having obtained a continuance in the manner specified in R. 103-838, the Commission may dismiss the petition, application, or complaint with or without prejudice or may, upon good cause shown, recess such hearing for a further period to be set by the Commission to enable such applicant, petitioner, or complainant to attend.

B. Parties of record or their authorized representative shall be present during all proceedings of any scheduled matter pending before the Commission except upon leave of the presiding officer.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-845. Witnesses.

A. In General. Witnesses shall be examined orally. Witnesses presenting testimony shall be sworn, or shall affirm, before their testimony shall be deemed evidence in the proceeding or any questions are put to them. All exhibits, no matter the size, must be easily readable and legible, using a minimum font size 12-point type.

B. Cumulative Testimony Restricted. The presiding officer may limit the number of witnesses whose testimony may be merely cumulative. In order to enforce this section, the presiding officer may require a clear statement on the record of the nature of the testimony to be given by any witness proffered.

C. Prepared Statements and Exhibits. Copies of witness testimony and exhibits shall be prefiled with the Commission as prescribed. A witness may read into the record, as his direct testimony, statements of fact or expressions of his opinion prepared by him, or written answers to interrogatories of counsel. A prepared statement of a witness may also be received as an exhibit. All parties of record, insofar as it is practicable, should prefile with all other parties of record copies of prepared testimony and exhibits which the party of

record proposes to use during a hearing. In proceedings involving utilities, the Commission shall require any party and the Office of Regulatory Staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. In proceedings involving companies other than utilities, the Commission may require any party and staff to file copies of testimony and exhibits and serve them on all other parties of record within a specified time in advance of the hearing. When prepared testimony and exhibits are prefiled with the Commission, twenty five copies, unless otherwise specified, of such testimony and exhibits must be furnished to the Commission for the use of the Commission and Staff. Unless the Commission shall otherwise order, an Applicant or Complainant who initiates a Docket shall file supporting written testimony with or without exhibits concurrently with its application, tariff, petition, request, or complaint. This shall not apply to an individual filing a Formal Complaint who is appearing on his or her own behalf.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-846. Evidence.

A. In General. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the Court of Common Pleas shall be followed. Effect shall be given to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

B. Reception and Ruling on Proffered Evidence. The presiding officer shall rule on the admissibility of all evidence and shall otherwise control the reception of evidence so as to confine it to the issues in the hearing.

C. Notice of Cognizable Facts. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties of record shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed. Parties shall be afforded an opportunity to contest the material proposed to be noticed.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-847. Documentary Evidence.

A. Commission Files. In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or file containing the matter so offered.

B. Records in Other Proceedings. If the transcript, or any portion thereof, of another proceeding before the Commission is desired to be introduced into the formal record at a subsequent hearing, a true copy of the portion desired must be presented.

C. Abstracts of Documents. When documents are numerous, such as freight bills or bills of lading, and it is desired to offer in evidence more than a limited number of such documents as typical of the others, an

abstract of relevant data of such documents shall be prepared in an orderly manner and offered as an exhibit, giving other parties to the proceeding reasonable opportunity to examine both the abstract and the documents.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-848. Exhibits.

A. Size of Exhibits. Except by special permission of the presiding officer, no prepared exhibits offered as evidence shall be of greater size, when folded, than 8 1/2 inches by 11 inches.

B. Copies of Exhibits. When exhibits are offered in evidence, the original shall be furnished to the reporter, and the party offering exhibits should also be prepared to furnish a copy to each Commissioner sitting and the presiding officer, each party of record, and the staff, unless such copies have been previously furnished or the presiding officer directs otherwise. Whenever practicable, the parties should exchange copies of exhibits which they propose to use prior to the hearing. All exhibits, no matter the size, must be easily readable and legible, using a minimum font size 12-point type.

C. Marking of Exhibits. All exhibits shall be marked numerically in the order of identification.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-849. Objections to the Introduction of Evidence.

A. In General. Any evidence offered in whatever form shall be subject to appropriate and timely objection. When objection is made to the admissibility of evidence, such evidence may be received subject to later rulings by the presiding officer. The presiding officer, in his discretion, either with or without objection, may exclude inadmissible, incompetent, cumulative, or irrelevant evidence, or order the presentation of such evidence discontinued. Parties objecting to the introduction of evidence shall briefly state the grounds of objection at the time such evidence is offered.

B. Offers of Proof. When the presentation of any evidence is objected to and such objection is sustained by the presiding officer, the proponent of the evidence may request that she or he be allowed to present an offer of proof for the formal record. Such offer of proof shall consist of a statement of the substance of the evidence to which objection has been sustained, or if the excluded evidence consists of evidence in documentary or written form, a copy of such evidence shall constitute the offer of proof.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-850. Transcripts.

A. In General. The Commission will cause to be made a record of all proceedings.

B. Copies of Transcript. Copies of the typewritten transcript of any proceeding may be obtained from the hearing reporters upon request and after payment of the applicable fee.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-851. Briefs or Proposed Orders.

A. Due Date. The presiding officer shall fix the time for filing and service of briefs or proposed orders.

B. Table of Contents and Citations. A brief of more than 20 pages shall contain a table of contents showing arguments presented with page references and a list of citations, alphabetically arranged with references to the pages where they appear.

C. Scope of Briefs or Proposed Orders. Briefs should contain:

- (1) A concise statement of the case;
- (2) An abstract of the evidence relied upon, preferably assembled by subjects;
- (3) Factual and legal arguments, or if a proposed Order, reasons and authorities therefore.

D. Exhibit Reproduction. Exhibits may be reproduced in an appendix to the brief. Analysis of such exhibits should be included in the abstract of evidence under the subjects to which they pertain.

E. Filing and Service. Briefs or proposed orders must be filed with the Chief Clerk and served on parties of record on or before the date fixed. If not filed on or before the date fixed, the brief will not be received without permission from the Commission or the presiding officer. All briefs shall be accompanied by a certificate showing service upon all parties of record or their authorized representatives who appeared at the hearing. Ten copies of each brief shall be furnished for the use of the Commission and staff.

HISTORY: Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-852. Service of Orders.

All Orders representing final disposition of a proceeding shall be filed with the Chief Clerk who shall serve copies thereof upon all parties of record or their authorized representative. Such service shall be by certified mail, registered mail, or by delivery to the parties or their attorneys, as may be appropriate.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-853. Finality of Decision.

All proceedings before the Commission shall be disposed of by issuance of an Order as defined in R. 103-804K served upon all parties of record.

A. Effective Date of Orders. Commission Orders shall take effect and become operative when served by **electronic service**, registered or certified mail, unless otherwise designated, and shall continue in force and effect either for a period which may be designated therein or until rescinded, modified or amended by the Commission. If an Order cannot be complied with within prescribed time limit, the Commission may grant such additional time as in its judgment is reasonably necessary to comply with the Order.

B. Rescinding, Modifying, Amending Order or Decision. The Commission may rescind, modify, or amend any Order. If the rescission, modification or amendment pertains to other than clerical errors or omissions, parties of record shall be provided notice and opportunity to be heard. Any Order rescinding, modifying or amending a prior Order shall have the same effect as is provided for in original Orders, but no such Order shall affect the legality or validity of any acts done pursuant to the original Order before notice of such rescission, modification, or amendment.

HISTORY: Amended by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-854. Petition for Rehearing or Reconsideration.

Unless otherwise provided by law, no cause of action shall accrue in any court of competent jurisdiction to vacate or set aside any Order of the Commission, either in whole or in part, unless a petition for rehearing or reconsideration and proof of service are filed with the Commission, and an Order has been issued disposing of the matter.

A. Form, Contents of Petition for Rehearing or Reconsideration. All petitions for rehearing or reconsideration shall conform to R. 103-825.

B. Time limit for filing a petition for rehearing or reconsideration. Except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976), any party of record may, within 20 days after the date of receipt of Order, petition the Commission for rehearing or reconsideration. A Petition for Reconsideration shall be subject to the same statutory parameters as a Petition for Rehearing.

C. Action by the Commission. The Commission must act upon the petition for rehearing or reconsideration within thirty (30) days after such petition is filed except as otherwise provided by S. C. Code Ann., Section 58-5-330, 58-9-1200, 58-11-550, 58-27-2150 (1976). Failure to act within this time period shall be deemed a denial of the relief sought in the petition.

D. Effect of Filing a Petition. Filing a petition shall not excuse or delay compliance with an Order issued by the Commission, unless specifically provided by the Commission.

HISTORY: Added by State Register Volume 14, Issue No. 3, eff March 23, 1990; State Register Volume 31, Issue No. 4, eff April 27, 2007.

~~103-855. Presiding Officer's Proposed Report.~~

~~In the event a presiding officer hears a matter before the Commission, the parties of record may, by stipulation, waive the preparation of a proposed report. Parties of record may file exceptions to the proposed report pursuant to R. 103-841C.~~

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-856. Appellate Review.

A. In General. After denial of rehearing, a party of record may appeal a Commission Order to the appropriate judicial forum pursuant to applicable provisions of law.

B. Stay of Commission Order Pending Review. Except as otherwise provided by law, an appeal from an Order of the Commission shall not of itself stay or suspend operation of the Order of the Commission.

C. Transcript of Testimony. A transcript of the proceeding will be furnished upon request directed to the Commission's hearing reporters, stating the number of copies desired, the person to be billed and the person to whom the transcript is to be sent.

D. Record on Appeal. In any action to review a final decision of the Commission, the record shall consist of all items set forth in R. 103-804E.

E. Stipulations. The Commission, and any party of record appealing a Commission Order, may stipulate that a certain question or questions and a specified portion of the evidence shall be certified to the Court for its judgment, whereupon such stipulation and the question or questions and the evidence therein specified shall constitute the record on view.

F. Priority. Cases appealed from the Commission shall have priority where such is given by statute.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-857. Penalty Provisions.

A. In General. Any fine or penalty assessed against any person as allowed by statute, may be imposed in accordance with applicable provisions of law and these rules as established by the Commission.

B. Calculation of Fine or Penalty. The fine or penalty will be incurred and will accrue each day with each day considered a separate breach or violation.

C. Payment of Fine or Penalty. A fine or penalty assessed pursuant to the provisions of these rules shall be paid immediately upon demand by certified check made payable to the State of South Carolina. Failure to honor this demand within ten days shall result in a filing in the appropriate county office or offices, for collection of such fine or penalty as provided by law.

D. Disbursement of Fine or Penalty. All fines or penalties assessed by the Commission shall go into the general funds of the State unless otherwise provided by law.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-858. General Provisions.

A. Additional Hearings. The Commission may, in addition to other hearings as provided for by rule or statute, conduct such other hearings as may be required in the administration of the Commission's power and duties.

B. Construction. If any provision of these rules or the application thereof is held invalid, the remainder of the rules or other application of such rules shall not be affected.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.

103-859. Emergency Procedures.

A. When it appears to the Office of Regulatory Staff that a utility is planning to disconnect its service to a customer(s) in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff, any one Commissioner may issue an Order on behalf of the Commission restraining and/or enjoining a utility from disconnecting service or requiring the utility to maintain the status quo with its customer(s) until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

B. When it appears to the Office of Regulatory Staff that a utility has disconnected a customer's (s') service in violation of the Commission's Rules and Regulations and under circumstances which prevent the full Commission from meeting to address the issue, upon the request of the Office of Regulatory Staff, any one Commissioner may issue an Order on behalf of the Commission requiring the utility to reconnect the service and maintain that status quo until further Order of the Commission. Thereafter, at the next scheduled Commission meeting with proper legal notice, the full Commission shall consider the Order of the single Commissioner and take such action on the single Commissioner's Order as it deems appropriate.

HISTORY: Added by State Register Volume 31, Issue No. 4, eff April 27, 2007.